

12-14-05

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicant: Brent Alan Elliott Elliott et al.

Serial No.: 10/736,059

Filed: March 9, 2004

For: GAPPED CORE STRUCTURE
FOR MAGNETIC
COMPONENTS

Art Unit: 2832

Examiner: Mai, Anh T.

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

1. Transmitted herewith is:

- Amendment in Response to the Office Action Dated September 28, 2005 (11 pages)
- Petition To Correct Filing Date of Filed Application (13 pages)
- Amendment Transmittal/Certificate of Mailing By Express Mail (3 pages)
- Return Receipt Post Card (1 page)

STATUS

2. Applicant

☐
☐claims small entity status.
is other than a small entity.CERTIFICATE OF MAILING BY EXPRESS MAIL TO
THE COMMISSIONER FOR PATENTS

Express Mail No. EV 679304197 US

Date: December 13, 2005

I hereby certify that the documents listed above are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Bruce T. Atkins, Reg. No. 43,476

EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

(complete (a) or (b), as applicable)

- (a) _____ Applicant petitions for an extension of time under 37 C.F.R. 1.136
(Fees: 37 C.F.R. 1.17(a)-(d) for the total number of months checked below:)

Extension for response within:	Other than small entity Fee	Small entity Fee (if applicable)
_____ first month	\$ 120.00	\$ 60.00
_____ second month	\$ 450.00	\$ 225.00
_____ third month	\$ 1,020.00	\$ 510.00
_____ fourth month	\$1,590.00	\$ 795.00
_____ fifth month	\$2,160.00	\$1,080.00

Fee: \$ _____

If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

_____ An extension of _____ months has already been secured. The fee paid
therefor \$_____ is deducted from the total fee due for the total months
of extension now requested.

Extension fee due with this request \$_____

OR

- (b) X Applicant believes that no extension of term is required. However, this
conditional petition is being made to provide for the possibility that
applicant has inadvertently overlooked the need for a petition for extension
of time.

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

	(Col. 1) CLAIMS REMAINING AFTER AMENDMENT		(Col. 2) HIGHEST NO. PREVIOUSLY PAID FOR	(Col. 3) PRESENT EXTRA	SMALL ENTITY ADDITIONAL RATE FEE	OR	OTHER THAN SMALL ENTITY ADDITIONAL RATE FEE
TOTAL INDEP.	20	MINUS	20	=	x \$25.00 = \$		x \$50.00 = \$
	3	MINUS	3	=	x \$100.00 = \$		x \$200.00 = \$
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					+ \$180.00 = \$		+ \$360.00 = \$
					TOTAL ADDITIONAL FEE \$	OR	TOTAL ADDITIONAL FEE \$

- (a) ☒ No additional fee for Claims is required

OR

- (b) ☐ Total additional fee for claims required \$ _____

FEE PAYMENT


5. Attached is a check in the sum of \$ _____
- ☒ Charge Deposit Account No. 01-2384 the sum of \$ 130.00
A duplicate of this transmittal is attached.

FEE DEFICIENCY

6. ☒ If any additional extension and/or fee is required, charge Deposit Account No. 01-2384.

AND/OR

- ☒ If any additional fee for claims is required, charge Deposit Account No. 01-2384.
7. ☐ Other:


 Bruce T. Atkins
 Reg. No. 43,476
 ARMSTRONG TEASDALE LLP
 One Metropolitan Square, Suite 2600
 St. Louis, MO 63102
 314-621-5070



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Brent Alan Elliott Elliott et al.

Art Unit: 2832

Serial No.: 10/736,059

Examiner: Mai, Anh T.

Filed: March 9, 2004

GAPPED CORE STRUCTURE
FOR MAGNETIC
COMPONENTS

PETITION TO CORRECT FILING DATE OF FILED APPLICATION

Office of Patent Legal Administrator
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Via Facsimile Transmission

Applicant respectfully petitions to accord the Filing Date of December 15, 2003, in accordance with 37 C.F.R. 1.57(a).

Applicant respectfully states that the above referenced application claims priority to the provisional application filed on December 19, 2002 serial number 60/435,414. Per 37 CFR 1.57(a) "... the claim under §1.55 or §1.75 shall also be considered an incorporation by reference of the prior filed application as to the inadvertently omitted portion of the specification or drawings."

Therefore Applicants respectfully request the nonprovisional application (10/736,059) be corrected to set forth the correct filing date of December 15, 2003. The provisional application contained informal drawings thereby under 37 C.F.R. 1.57(a) making this application complete.

Applicant also attaches the Express Mail Post Office to Addressee mailing label number EV 331420261 US dated December 15, 2003, Exhibit A. The return receipt post card indicates a filing date of December 15, 2003, Exhibit B.

The Notice of Incomplete Nonprovisional Application "Notice" dated September 28, 2004 indicates the application was deposited without drawings. However, the Notice, not

executed, is dated nine (9) months after the initial filing. Applicant did not receive said Notice until March 30, 2005, via facsimile transmission from the Office of Initial Patent Examination. Applicant could not timely respond to said Notice as neither Applicant nor their agent received said Notice.

Applicants also state that on March 9, 2004, formal drawings were submitted to the Commissioner's Office.

Applicant request that the Commissioner issue a new, Corrected Filing Receipt for Non-Provisional according the filing date of December 15, 2003.

A \$130.00 Petition Fee (37 C.F.R. 1.17(h)) is submitted herewith. Please charge Deposit Account 01-2384 in the amount of \$130.00. If the fee required for this petition is different from the amount specifically authorized, please consider this as an authorization to charge the necessary fee to the Deposit Account. Applicant however does not believe that such a fee is required as this error is the error on the part of the United States Patent and Trademark Office. However, this petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a fee.

RESPECTFULLY SUBMITTED



Bruce T. Atkins, Reg. No. 43,476
ARMSTRONG TEASDALE, LLP
One Metropolitan Square, Suite 2600
St. Louis, MO 63102-2740
314-621-5070



THE UNITED STATES PATENT OFFICE IS REQUESTED TO IMPRESS ITS STAMP
ON THIS CARD AND PLACE SAME IN THE OUTGOING MAIL TO SHOW THE FOLLOWING
PAPERS HAVE BEEN RECEIVED.

Atty Dkt. No.: CET-025985 (16463-00418)
Application of: Brent Alan Elliott, Robert James Bogert and Renford Laguardia Hanley
For: GAPPED CORE STRUCTURE FOR MAGNETIC COMPONENTS

Enclosed: Utility Patent Application, claiming priority of
Serial No. 60/435,414, filed December 19, 2002 including:

Specification (11 pgs.); Claims (3 pgs.); Abstract (1 pg.)
Two (2) Sheets of Informal Drawings
Utility Patent Application Transmittal (1 pg.)
Fee Transmittal (1 pg.) (in duplicate)
Declaration and Power of Attorney (2 pgs.)
Assignment (2 pgs.)
Assignment Recordation Form (1 pg.), in duplicate
Information Disclosure Statement (1 pg.)

17497 U.S. PTO
10/736059



121503

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Mailed: December 15, 2003



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Label 11-F June 2002

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Bruce T. Atkins

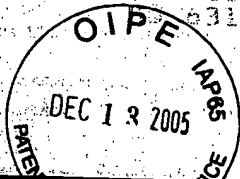
ARMSTRONG TEASDALE LLP

1 METROPOLITAN SQ STE 2600

SAINT LOUIS

314-621-2740

16463-418



TO: (PLEASE PRINT)

PHONE

MAIL STOP

PATENT APPLICATION

COMMISSIONER FOR PATENTS

PO BOX 450

ALEXANDRIA

VA 22313-1450

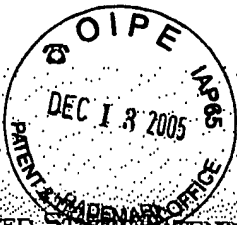
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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/736,059	12/15/2003	Brent Alan Elliott	CET-025985

John S. Beulick
 Armstrong Teasdale LLP
 Suite 2600
 One Metropolitan Square
 St. Louis, MO 63102

CONFIRMATION NO. 4275

FORMALITIES LETTER



OC000000013921311

Date Mailed: 09/28/2004

NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below:

All of the items noted below and a newly executed oath or declaration covering the items must be submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)). Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

- The application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented." Applicant should reconsider whether the drawings are necessary under 35 U.S.C. 113 (first sentence).

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

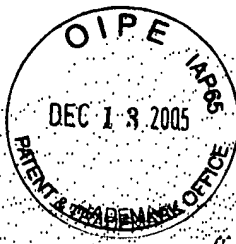
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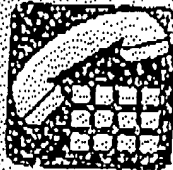
Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

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U.S. Department of Commerce
Patent and Trademark Office
Office of Initial Patent Examination (OIPE)



DATE: March 30, 2005

SEND TO: Lier - Armstrong - Thastale

Fax Number: 314-612-2308

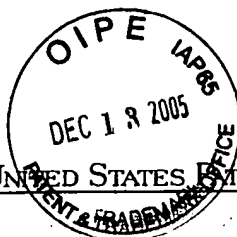
Office Telephone Number: 314-621-5070 ext. 7447
S.N. 10/736 059

FROM: Mr. Cahin

Per your request, copy of
Incomplete Notice dated 2/28/04
you stated you did not receive
Office Telephone Number: _____

Pages Sent (Including cover sheet) 5

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 www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/736,059	03/09/2004	2832	770	CET-025985	2	20	2

CONFIRMATION NO. 4275

John S. Beulick
 Armstrong Teasdale LLP
 Suite 2600
 One Metropolitan Square
 St. Louis, MO 63102

FILING RECEIPT



OC000000013921322

Date Mailed: 09/28/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Brent Alan Elliott, Boca Raton, FL;
 Robert James Bogert, Lake Worth, FL;
 Renford LaGuardia Hanley, Wellington, FL;

Power of Attorney:

Gordon Sieckmann--28667
 John Beulick--33338
 Patrick Rasche--37916
 Daniel Fitzgerald--38880
 Gregory Walters--41366

Michael Tersillo--42180
 Bruce Atkins--43476
 Robert Slenker--45112
 Robert Reeser III--45548
 Thomas Fisher--47564

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/435,414 12/19/2002

Foreign Applications

If Required, Foreign Filing License Granted: 07/07/2004

The number of your priority application, to be used for filing abroad under the Paris Convention is,
US10/736,059

Projected Publication Date: 01/06/2005

ENTERED
 Date: 10/1/04
 By: mcr
 16463-418



- Mrs Debbin

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/736,059	03/09/2004	Brent Alan Elliott	CET-025985

John S. Beulick
Armstrong Teasdale LLP
Suite 2600
One Metropolitan Square
St. Louis, MO 63102

CONFIRMATION NO. 4275



OC000000015301741

Date Mailed: 03/01/2005

RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT

Application Filing Date

In response to your request for a corrected Filing Receipt, the Office cannot comply with your request because:

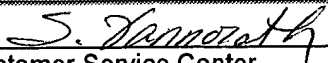
- ☐ If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, a petition to accord a filing date should be submitted along with a copy of the Express Mail label showing the "date in" and be directed to the Office of Petitions.
- ☐ A copy of the Express Mail label was not enclosed with your request. Petitions under 37 CFR 1.10 require a copy of the Express Mail Label to be submitted.
- ☐ The "date in" on the Express Mail label is the date given on the Filing Receipt.
- ☒ The filing date accorded to the application is the date the application met the filing date requirements of 37 CFR 1.53(b) or (c).
- ☐ Applications submitted with a certificate of mailing under 37 CFR 1.8 are accorded a filing date as of the date the application is received in the U.S. Patent and Trademark Office. A request to review the filing date accorded to the application must be in the form of a petition.
- ☐ The filing date on your return postcard is the same as the date on your Filing Receipt. A request to review the filing date accorded to the application must be in the form of a petition.

A petition under 37 CFR 1.10, 37 CFR 1.53 or 37 CFR 1.182 is needed to request a change to the filing date. A \$130 petition fee is required for a petition under 1.53 or 1.182. If you choose to file a petition, the petition and the \$130 petition fee, if any, to:

Box DAC

ENTERED
Date: 3/8/05
By: [Signature]
16463418

Commissioner for Patents
Washington, DC 20231



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Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

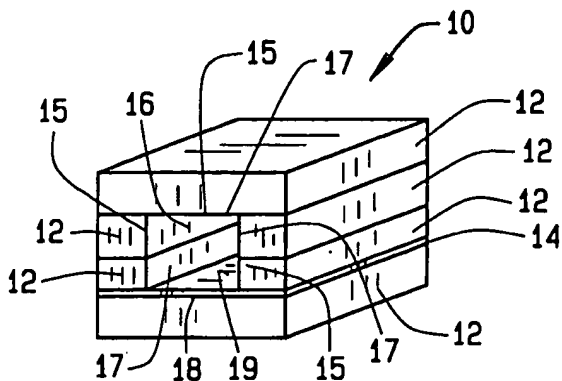
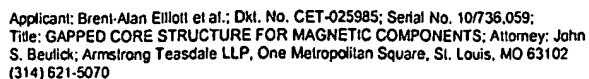


FIG. 1

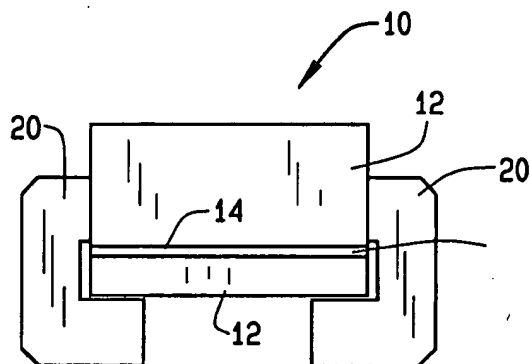


FIG. 2

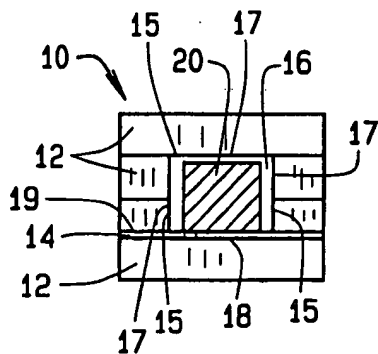


FIG. 3

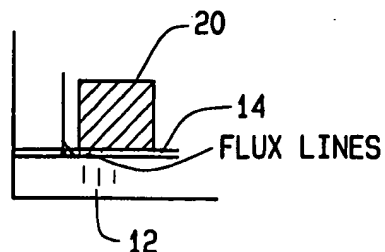


FIG. 4



2/2

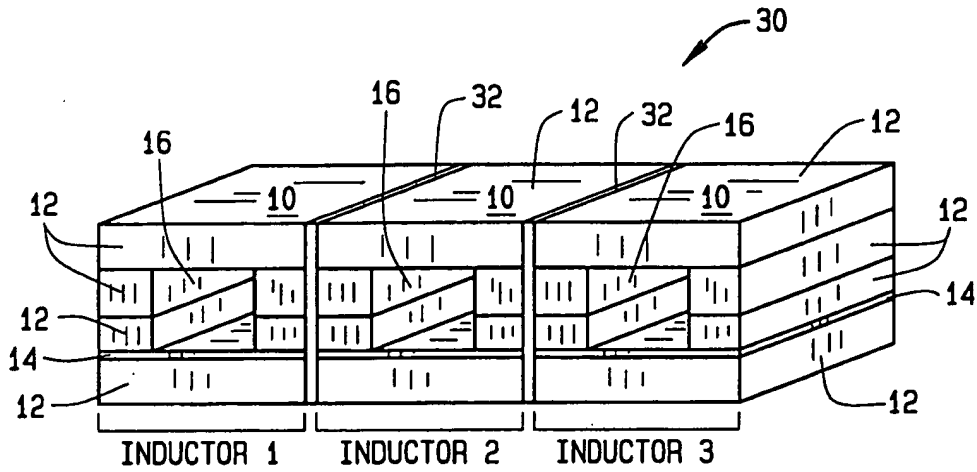


FIG. 5

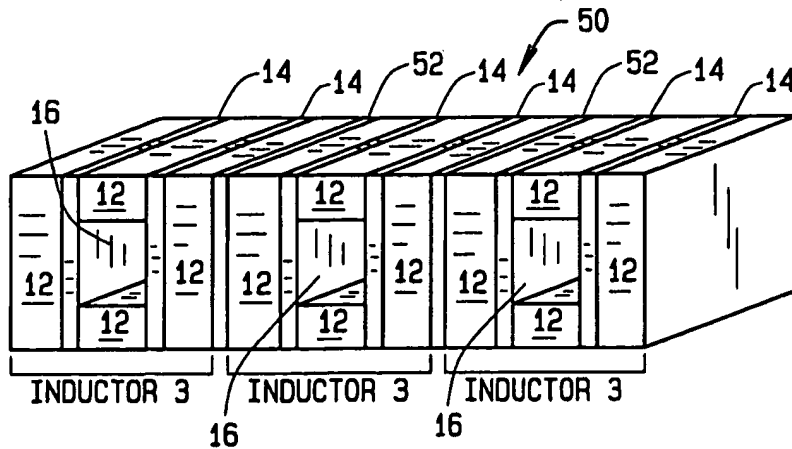


FIG. 6



2/2

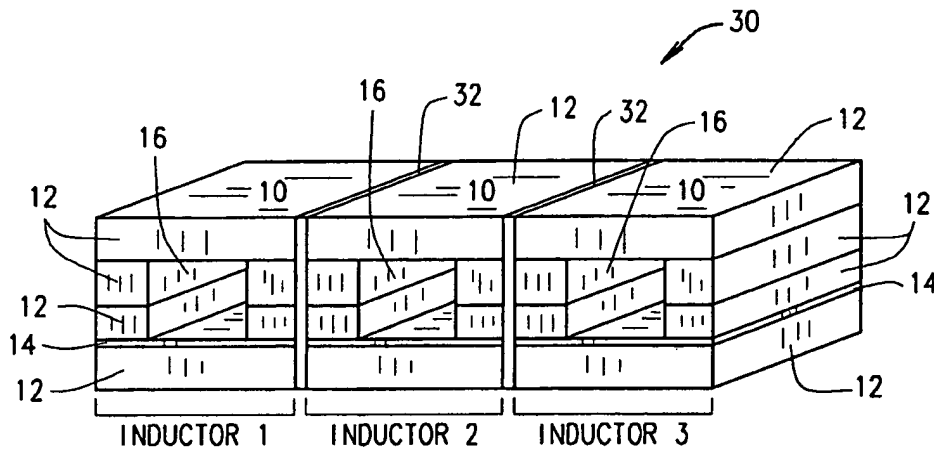


FIG. 5

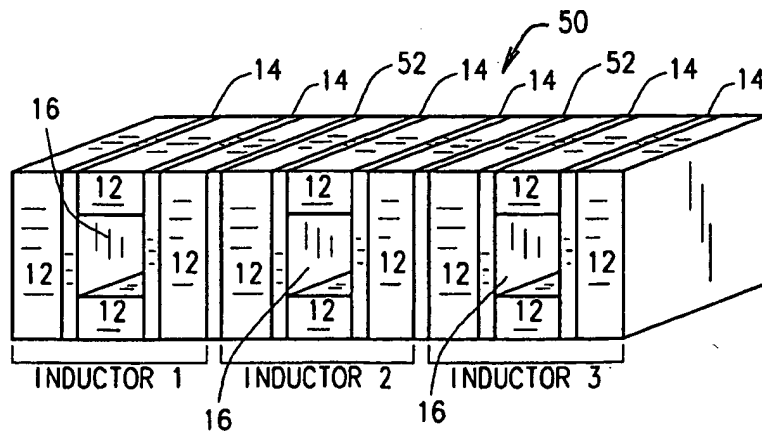


FIG. 6